

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

ANTHONY GOLDTHREAD,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 3:06-0805
	)	Judge Echols
	)	
GEORGE M. DAVISON, et al.,	)	
	)	
Defendants.	)	

**ORDER**

This is a pro se action brought by Plaintiff against the Defendants alleging that they fraudulently misappropriated his intellectual property. This case was referred to the Magistrate Judge and is back before the Court on a Report and Recommendation ("R & R") (Docket Entry No. 41).

In the R & R, the Magistrate Judge addressed Motions to Dismiss the Amended Complaint filed separately by Defendant S.C. Johnson & Son and Defendant George M. Davison (Docket Entry Nos. 32 & 37). An earlier Motion to Dismiss by Defendant Davison became moot with the filing of the Amended Complaint. The Magistrate Judge also addressed the viability of this action against Defendants Medo, Inc. and Airwick Co. in light of the fact that those Defendants do not appear to have been properly served.

The Magistrate Judge recommends that this action be dismissed with prejudice as to Defendant S.C. Johnson & Son, Inc. and without prejudice as to Defendants George M. Davison, Davison Design and Development, Inc., Medo, Inc. and Airwick Co. The R & R was issued on July 11, 2007, and Plaintiff has filed no objections thereto,

even though he was informed in the R & R that any objections needed to be filed within ten (10) days (Docket Entry No. 41 at 17).

Under Federal Rule of Civil Procedure 72(b) and 28 U.S.C. § 636(b)(1), the Court may accept, reject, or modify in whole or in part the findings or recommendations made by the Magistrate Judge. Having carefully reviewed the entire record in this case, including the Amended Complaint (Docket Entry No. 27), the Motions to Dismiss (Docket Entry Nos. 32 & 37), and the R & R, the Court finds that the Magistrate Judge was correct in concluding that dismissal with prejudice against Defendant S.C. Johnson & Son, Inc. is appropriate because Plaintiff's Amended Complaint fails to state a claim upon which relief may be granted for breach of contract, breach of implied contract, violation of the Tennessee Uniform Trade Secrets Act, unjust enrichment, fraud, or breach of a confidential relationship. The Court also finds that the Magistrate Judge was correct in concluding that the claims against Defendants George M. Davison and Davison Development Inc. should be dismissed without prejudice due to insufficiency of process, lack of personal jurisdiction, and improper venue. Finally, the Court agrees with the Magistrate Judge's conclusion that the claims against Defendants Medo, Inc. and Airwick Co. should be dismissed without prejudice because the record does not reflect that those Defendants were properly served and because the Amended Complaint lacks any allegations against those Defendants.

Accordingly, for the reasons stated above and as more specifically set forth in the Magistrate Judge's R & R, the Court rules as follows:

(1) The Report and Recommendation (Docket Entry No. 41) is hereby ACCEPTED;

(2) The Motion to Dismiss filed by Defendant George M. Davison (Docket Entry No. 25) is MOOT in light of the filing of the Amended Complaint;

(3) The Motion to Dismiss Amended Complaint filed by Defendant S.C. Johnson & Son, Inc. (Docket Entry No. 32) is hereby GRANTED;

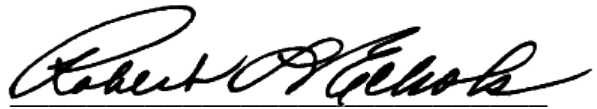
(4) The Motions to Dismiss Amended Complaint filed by Defendant George M. Davison (Docket Entry No. 37) is hereby GRANTED;

(5) The claims against Defendant S.C. Johnson & Son, Inc. are hereby DISMISSED WITH PREJUDICE;

(6) The claims against Defendants George M. Davison, Davison, Design and Development, Inc., Medo, Inc. and Airwick Co. are hereby DISMISSED WITHOUT PREJUDICE; and

(7) Entry of this Order on the docket shall constitute entry of a final judgment in accordance with Federal Rules of Civil Procedure 58 and 79(a).

It is so ORDERED.

  
ROBERT L. ECHOLS  
UNITED STATES DISTRICT JUDGE